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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

February 16, 2006

Joshua Bolten, Director
Office of Management and Budget
725 Seventeenth Street, N.W.
Washington, DC 20503

Dear Mr. Bolten,

Thank you for the many efforts you have made on behalf of the taxpayers. In particular, we have seen some improvement in obtaining testimony from Administration witnesses for Subcommittee hearings on time, and I know that your office has been instrumental in making that happen. I also want to commend you for proposing a budget that freezes non-defense discretionary spending, and for your proposal of a sound "terminations list" for FY2007, which would eliminate or seriously reduce 141 wasteful, ineffective or redundant programs. I know that you have an unenviable job of trying to propose spending cuts that have a realistic chance of passing through a Congress intent on saddling our children and grandchildren with debt tomorrow to buy government goodies today.

There are a few Members of Congress who would like to help you get a grip on undisciplined spending, and who take our Constitutional duty of oversight quite seriously. In order to do this, we need all the detail we can get about Executive Branch programs, plans, expenditures, strengths, weaknesses, challenges, performance, and so forth. This vital information, which some consider too technical to "trouble" Members of Congress with, enables us to take on the hard task of setting priorities for Federal spending in the context of limited resources. Since we're not just talking about our own bank accounts in this discussion, this information needs to be widely available to the broader public, including average taxpayers, watchdog groups, think tanks, scholars, and the media.

Given the value of widespread access to budget details, I was stunned to discover how difficult it is to obtain agency justifications for the President's FY2007 budget request. Most Americans don't know what a budget justification is. That may be because these critical documents are often *only* delivered to a privileged few Members of Congress, who threaten the agencies not to release the documents to any other Member, much less the public! But more appalling than the power grab made by Appropriators who want exclusive access to documents justifying trillions

of dollars of spending is the fact that the Administration actually concedes to these outrageous demands.

When my staff requested budget justifications from three agencies, the Department of Agriculture (USDA), the Department of Housing and Urban Development (HUD), and the National Endowment of the Arts (NEA), they were informed that only Appropriators could have access to their budget justifications and that those Appropriators had “forbidden” the agencies from releasing these documents to non-Appropriators. After being pressured further, USDA and NEA obtained “permission” from Appropriators to release the documents to my staff, but HUD has still not complied with our request. Department of Defense and the Agency for International Development, inexplicably, have not yet released justifications to *anyone*.

These agencies are only the tip of the iceberg. The practice of *selective* access to budget justifications is widespread. Most agencies typically deliver justifications to Members they view as “relevant,” including Appropriators, authorizing committee chairs, and Budget Committee members. After some logistic and bureaucratic wrangling, they “made an exception” and provided us their documents, but this access for a freshman Senator was clearly an exception, not a newfound commitment to transparency.

The fact that it takes a stubborn Senator with persistent staff to obtain these justifications (and I note that some still haven’t been delivered, HUD does not intend to deliver, and EPA never responded to the request), in violation of “standard practice,” suggests a less-than-enthusiastic commitment to taking advantage of the transparency that the information age allows. If only a powerful few inside the Beltway are allowed to see the justification for the President’s \$2.7 trillion budget request, the only conclusion the rest of us could reasonably draw is that the President’s budget is *unjustifiable*. I’m sure that’s not the message you were trying to send.

The news isn’t all bad. Departments of Treasury, State, Energy and NASA posted their budget justifications online. A few more agencies happily delivered the justifications, immediately upon request, with no wrangling whatsoever. However, I can’t imagine why *every* agency would not post their justifications on their home pages, as well as the OMB web page, the same day the President delivers his budget request to Congress. There is no excuse for *selective* access. The American public, including every Member of Congress, should have access to the justification for the President’s budget the same day the Appropriators do, without having to make a special request or an “exception.” In our modern information age, it has never been easier to inform the public of the information we use to make decisions, and failure to do so has never been more inexcusable.


Transparency can help the President achieve his budget goals. One of the reasons that, I’m sorry to say, Congress consistently ignores your annual proposed “terminations list,” despite vast evidence that these programs are wasteful and ineffective, is that there is no grassroots pressure coming from the voters. Individual taxpayers, bloggers, watchdog groups and others provide valuable oversight that can help build consensus for the budget savings you propose. They can make it painful for Members of Congress to continue to vote year after year for the status quo of squandering of our children’s and grandchildren’s future.

To that end, I would greatly appreciate your response to the following questions by March 1, 2006:

1. Will you ensure that a FY2007 budget justification is delivered either in person or electronically to my office from every single Federal agency by March 6, 2006 (30 days after the President's budget request to Congress)?
2. Will you post the FY2007 budget justification for every Federal agency on that agency's home page and centrally on the OMB web page by March 15, 2006?
3. Will you work to ensure that, next year, the budget justifications for FY2008 for every Federal agency will be published on the agency web pages and centrally on the OMB web page, on the same day that the President delivers his FY2008 budget request to Congress?
4. Will you work with us to develop authorizing or appropriations language requiring such electronic posting of budget justifications by the same date the President delivers his budget request to Congress?

Any inquiries regarding this request may be addressed to Katy French of my Subcommittee staff at 202-224-2254. Thank you so much for your time and cooperation, and also for your commitment to ensuring that the quality of life for future generations of Americans is financially secure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom A. Coburn", with a large, sweeping flourish at the end.

Tom Coburn, M.D., Chairman
Subcommittee on Federal Financial
Management, Government Information, and
International Security
U.S. Senate Committee on Homeland
Security and Governmental Affairs